



COPS Fact Sheet

Community Oriented Policing Services

www.usdoj.gov/cops/

Criminal Intelligence Systems Operating Policies

What are the Criminal Intelligence Systems Operating Policies?

The Criminal Intelligence Systems Operating Policies described in 28 C.F.R. Part 23 assure that all criminal intelligence systems operating through support under 42 U.S.C. 3711 (which the Violent Crime Control and Law Enforcement Act of 1994 amends and under which all COPS grants are made) are utilized in conformance with the privacy and constitutional rights of individuals. Criminal Intelligence Systems Operating Policy guidelines include a number of procedural and privacy protections which prevent unreliable speculation and violations of individual privacy due to the negligent maintaining and sharing of criminal intelligence information between agencies. These policy standards are applicable to all criminal intelligence systems operating through support of the COPS Office.

What is a Criminal Intelligence System?

A Criminal Intelligence System refers to the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information. The term covers the physical location where the information is stored and the policies and procedures which govern the use of that information.

What is Criminal Intelligence Information?

Criminal Intelligence Information refers to data which has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual who (or organization/group which) is reasonably suspected of involvement in criminal activity and meets criminal intelligence system submission criteria.

Examples of Criminal Intelligence Systems subject to 28 C.F.R. Part 23 include (but are not limited to):

- a) Systems that store detailed information on the criminal activities of subjects;
- b) Systems which store only limited information designed to identify individuals or organizations which are the subject of an inquiry or analysis. These systems are commonly referred to as "pointer systems" which are defined as systems where interested agencies are placed in contact with each other for more detailed investigative information. Pointer information is information which identifies a particular individual or organization based on descriptive information about the subject suspected of criminal activity. Pointer information is then input into the database and can be used when an inquiry is requested to match subjects of investigation, and to put law enforcement agencies together so they can work a case in a coordinated manner.

Examples of Systems that are NOT subject to 28 C.F.R. Part 23:

- a) Single agency systems where exchange or dissemination is only within the agency;
- b) Criminal history information or identification systems;
- c) Task force systems where the task force is operating pursuant to a formal agreement and where information exchange or *dissemination does not go outside the task force*. If the task force is formally organized by agency agreements and dissemination of information is restricted to only the agencies who are members of the task force, it is not considered a criminal intelligence system subject to the mandates of 28 C.F.R. Part 23.

If my agency does operate a Criminal Intelligence System, what must we do to comply with our COPS grant requirements?

If your agency's grant is subject to the 28 C.F.R. Part 23 requirements, your agency must create a system Operating Manual to ensure that your agency operates and maintains such a system in conformance with the operating principles set forth in 28 C.F.R. Part 23. Additionally, those agencies which have received funding under COPS MORE'98 must complete and sign a COPS MORE '98 28 C.F.R. Part 23 Certification Form.

What should our agency's Operating Manual include?

An agency's Operating Manual should include a statement responsive to each Operating Principle set forth in 28 C.F.R. Part 23.20 (a) - (n).

Where should I send our agency's Operating Manual for review?

You may send your agency's Operating Manual to:

Cynthia Bowie
COPS Office
1100 Vermont Avenue, N.W.
Washington, D.C. 20530

If you believe your agency is not in compliance with 28 C.F.R. Part 23 or you need additional assistance, please contact the COPS Office outside compliance monitoring and technical assistance contractor - Cygnus Corporation at (301) 231-7537.

**For more information, call the Response Center at 1-800-421-6770 or visit the COPS web site at:
<http://www.usdoj.gov/cops/>**